

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SATTAR QURAISH,

Defendant.

Case No. [3:19-cr-00658-JD-1](#)

PRETRIAL ORDER

A jury trial is set to begin on November 9, 2020, at 9:00 a.m.

I. TRIAL SCHEDULE

1. In light of the parties' estimate of 2-3 trial days, trial will be held Monday through Friday from 9:00 a.m. to 2:00 p.m. with two 15-minute breaks each day.
2. The Court will be closed on November 11, 2020, in observance of Veteran's Day.

II. VOIR DIRE & JURY SELECTION

1. Jury selection will be done as the Court stated at the October 28, 2020 pretrial conference. The Court will seat fifteen jurors using the "strike and replace" method. A prospective juror not excused after a round of challenges will be deemed a member of the jury and may not be challenged subsequently.
2. The Court will conduct the in-court voir dire based on its own questions and the questions proposed by the parties. The Court posted the proposed voir dire questions on October 26, 2020. Dkt. No. 61. The additional questions proposed by the government are already covered by the current questions, and so will not be used. Defendant's second, third, fourth, and fifth proposals for questions are declined for the same reason. Defendant's sixth proposal will be used as a follow-

up to the Court's first question. Defendant's request in his first proposal to slightly modify the reasonable doubt question is granted.

3. The parties must be prepared to give their opening statements and begin presenting witnesses on November 10, 2020.

III. OTHER TRIAL PROCEDURES

1. **Sidebars.** There will be no sidebars during trial. Any issues can be addressed before or after the jury is present.
2. **Objections.** Counsel must stand to make an objection and should simply state the rule that is the basis of the objection. No arguments or elaborations should be made unless called for by the Court.
3. **Having witnesses ready.** Each party must have its witnesses for the trial day available in the courthouse and ready to testify. Failure to have the next witness ready or to be prepared to proceed with the evidence will usually constitute resting.
4. **Tech set-up.** The parties should contact Courtroom Deputy Lisa Clark for questions about courtroom technology, and be prepared to test their equipment at the courtroom walkthrough on November 5, 2020, at 1:00 p.m.

IV. MOTIONS IN LIMINE

1. **Government's MIL No. 1 re References to Sentence or Punishment: GRANTED.** No references are allowed to sentencing or punishment. Fed. R. Evid. 402, 403.
2. **Government's MIL No. 2 re Bringing Drugs to Courtroom: GRANTED.**
3. **Government's MIL No. 3 re Defendant's Prior Arrests: DENIED.** The substantial prejudicial nature of this evidence outweighs its probative value, if any. Fed R. Evid. 402, 403, 404(b).
4. **Government's MIL No. 4 re Defendant's Prior Felony Conviction: DEFERRED** pending trial and defendant's testimony.
5. **Government's MIL No. 5 re Defendant's Presentation of Character Evidence: GRANTED** by agreement. Defendant states that he will not call character witnesses or present character evidence.

6. **Defendant's MIL No. 1 re Defendant's Prior Convictions and Arrests:**

GRANTED. Same basis as for Government's MIL No. 3.

7. **Defendant's MIL No. 2 re Defendant's Prior Conviction: DEFERRED** pending developments at trial.

8. **Defendant's MIL No. 3 re Expert Testimony:** Defendant's motion to exclude the law enforcement expert witness is **DENIED.** Expert testimony should focus on the physical evidence admitted at trial and how it is consistent *vel non* with possession for sale or personal use. Fed. R. Evid. 402, 403.


V. JURY INSTRUCTIONS AND VERDICT FORM

1. **Jury Instructions.** The Court has reviewed the parties' proposed preliminary jury instructions, Dkt. No. 62, and final jury instructions, Dkt. No. 63. The parties are largely in agreement on the instructions, and the Court will file final instructions prior to trial.

2. **Verdict form.** The Court will rule on the parties' proposed verdict forms, Dkt. Nos. 65 and 68, in a subsequent order.

IT IS SO ORDERED.

Dated: October 30, 2020



JAMES DONATO
United States District Judge